

**SENATE JOURNAL
63RD LEGISLATURE
THIRTIETH LEGISLATIVE DAY**

Helena, Montana
February 11, 2013

Senate Chambers
State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Olson and Wanzenried, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

2/11/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth through twentieth legislative days, find the same to be correct.

Correctly printed: **SB 174, SB 183, SB 201, SB 213, SB 277, SB 278, SB 279, SB 280, SB 281, SB 282, SB 283, SB 284, SB 285, SB 286, SB 287, SB 288, SJR 11, HB 40, HB 52, HB 164.**

Correctly enrolled: **SB 15, SB 16, SB 30, SB 32, SB 39, SB 87.**

Correctly engrossed: **SB 106, SB 180, HB 47, HB 148.**

Transmitted to the House: **SB 96, SB 112, SB 120, SB 138, HB 107.**

Signed by the Secretary of the Senate at 8:45 a.m., February 9, 2013: **SJR 2.**

Signed by the President at 3:55 p.m., February 11, 2013: **SJR 2.**

Signed by the Speaker at 4:05 p.m., February 11, 2013: **SJR 2.**

Senator Olson joined the Senate.

MESSAGES FROM THE GOVERNOR

February 11, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Monday, February 11, 2013, I signed the following Senate bill: **SB 29** - Buttrey

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

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MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/9/2013
SB 39, introduced by Vincent

House bills passed and transmitted to the Senate for concurrence: 2/9/2013
HB 181, introduced by Ballance
HB 262, introduced by Hill
HB 291, introduced by Kerns
HB 320, introduced by B. Bennett

House joint resolutions passed and transmitted to the Senate for concurrence: 2/9/2013
HJR 3, introduced by O'Neil
HJR 7, introduced by Connell

MOTIONS

SB 197 - Senator Boulanger moved consideration of **SB 197** be passed to February 13, 2013, the thirty-second legislative day. Without objection, so ordered.

SB 209 - Senator Arthun moved consideration of **SB 209** be passed for the day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 289, introduced by Facey, referred to Business, Labor, and Economic Affairs.
SB 290, introduced by Arntzen, Hagstrom, referred to Local Government.
SB 291, introduced by Arntzen, referred to Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 27, introduced by Washburn, referred to Fish and Game.
HB 78, introduced by Regier (by request of the Teachers' Retirement Board), referred to State Administration.
HB 79, introduced by Berry (by request of the State Auditor), referred to State Administration.
HB 133, introduced by Berry (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 214, introduced by Wagoner, Ankney, Greef, Lewis, Redfield, referred to State Administration.
HB 217, introduced by Howard, Blasdel, Brodehl, Doane, Kary, Knudsen, Lenz, O'Hara, Osmundson, Redfield, Salomon, C. Smith, referred to State Administration.
HB 251, introduced by Ingraham, referred to State Administration.
HB 258, introduced by B. Smith, B. Bennett, Boland, Lieser, McClafferty, McNally, Pierson,

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Pomnichowski, Price, Steenberg, Wilson, Woods, referred to Local Government.
HB 296, introduced by Ingraham, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 5, introduced by O'Neil, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 86 - Senator F. Moore moved **SB 86** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 211 - Senator F. Moore moved **SB 211** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 48

Nays: Windy Boy.
Total 1

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Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

HB 55 - Senator Tutvedt moved **HB 55** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich.

Total 48

Nays: Mr. President.

Total 1

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

Senator Wanzenried joined the Senate.

SB 202 - Senator Kaufmann moved **SB 202** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 37

Nays: Boulanger, Brenden, D. Brown, T. Brown, Moore, Priest, Ripley, Sales, Sonju, Vincent, Walker, Webb, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 60 - Senator Webb moved **HB 60** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 43

Nays: Priest, Sales, Sonju, Vincent, Walker, Wittich, Mr. President.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 32 - Senator Phillips moved **HB 32** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.

Total 41

Nays: Barrett Debby, Brenden, Ripley, Sales, Sonju, Walker, Webb, Wittich, Mr. President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 111 - Senator Tutvedt moved **HB 111** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 48

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Nays: Sonju, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 179 - Senator Kaufmann moved **SB 179** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 38

Nays: Barrett Debby, Brenden, Jackson, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Vincent, Walker, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 174 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.

Total 40

Nays: Facey, Fielder, Lewis, Phillips, Taylor, Thomas, Tutvedt, Vincent, Wittich, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 183 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 11 passed as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: T. Brown, Moore, Ripley, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 213 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator T. Brown moved to change his vote on **SB 174** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Brenden introduced this week's pages:

Brittani Foshag, Missoula

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Hannah Good, Great Falls
Abigail Helland, Glasgow
Layton Hrubes, Glendive
Parker Spratling, Billings
Grant Walker, Billings

Senator Wanzenried rose on a point of inquiry to ask if there is criteria for bills being referred to Finance & Claims after second reading, specifically whether there is a threshold amount and, if so, whether the threshold will apply to both expenditures and revenue. Senator Ripley, chair of the Finance & Claims committee, replied the traditional threshold is \$50,000 and it applies to both expenditure and revenue bills.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, February 12, 2013, the thirty-first legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate